IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Writ Petition No. 133 of 2005

Muneer Ahmad
S/o Shri Sameer Ahmad
R/o Upper Nathanpur
Post Ofice Nehrugram
Police Station Raipur,
District Dehradun … Petitioners

Versus

1. State of Uttaranchal
through Secretary (Home)
Uttaranchal Dehradun
2. Station House Officer
Police Station Dalanwala
District Dehradun
3. Bachan Singh
S/o Late Shri Jogu Singh
R/o Ajabpur Danda
Police Station Dalanwala
District Dehradun … Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

This criminal writ petition has been filed by the petitioner seeking arrest stay in Case Crime No. 338 of 2004 under Section 302 and 201 I.P.C. registered at Police Station Dalanwala, District Dehradun.

2. In the counter affidavit it has been stated in para – 4 that sufficient evidence against the accused/applicant has been collected and there is an apprehension that the accused/applicant can temper the evidence against the accused/applicant. So, arrest of accused/applicant is necessary.

3. The name of the accused/applicant came into light during the investigation as witnesses Neeraj Kumar, Anil and Surendra Singh, Mukesh Kumar, disclosed the name of the accused/applicant in their statement who have seen the deceased in the company of the accused/applicant just before the occurrence on 06.12.2004 and the present applicant is absconding since then. Proceedings under Section 83 Cr.P.C. were also initiated against the applicant.

4. In view of the factual statement made in the counter affidavit, we do not find force to continue the stay order granted by this Court in this case. Since the name of the applicant/accused has been disclosed in commission of the offence. Therefore, we are not inclined to entertain this petition.

5. Accordingly, the petition is dismissed. Stay order dated 25.02.2005 granted by this Court is hereby discharged.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

20.02.2006
ASWAL